



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7**

11201 Renner Boulevard
Lenexa, Kansas 66219

SEP 29 2016

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

Article Number: 7014 1200 0000 6126 5711

Colonel Scott Ayres
Director of Installation Management
7105 NW 70th Avenue
Camp Dodge Joint Maneuver Training Center
Johnston, Iowa 50131-1824

RE: Cedar Rapids Army National Guard AFRC/FMS 13
1550 Wright Brothers Boulevard SW
Cedar Rapids, Iowa 52404
RCRA ID No.: IAR000519587

Dear Colonel Ayres:

Letter of Warning/Request for Information

On February 23, 2016, a representative of the U. S. Environmental Protection Agency inspected your facility. The inspection was conducted under the authority of Section 3007 of the Resource Conservation and Recovery Act. On August 1, 2016, EPA sent you a letter requesting additional information to determine your facility's compliance. On August 29, 2016, my staff received your response to our Request for Information.

My staff has reviewed your August 29, 2016, response and determined that you have not adequately addressed Violation 1. We are requesting additional information regarding your facility's compliance status. Enclosed is a list of violations followed by a list of questions and/or requested information. Also enclosed are instructions to be used in providing your response. Please carefully read and follow these instructions. Your response to this request in accordance with the instructions is required by Section 3007 of RCRA and substantial penalties may result from not complying. Please note that the EPA reserves its right to pursue appropriate enforcement actions, including penalties, for violations discovered as a result of the inspection, regardless of whether the violations were subsequently corrected.



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Within 30 calendar days of receiving this letter, please mail your response to: Rebecca Wenner, U. S. Environmental Protection Agency, 11201 Renner Boulevard, Lenexa, Kansas, 66219. To request an extension of the time limit, follow the instructions in the enclosure. Please direct all questions concerning this letter to Rebecca Wenner, of my staff, at (913) 551-7644.

Sincerely,

A handwritten signature in cursive script that reads "Mary Goetz".

Mary Goetz
Branch Chief

Waste Enforcement and Materials Management Branch

Enclosures (3)

cc: Amie Davidson, Supervisor, Contaminated Sites Section
Iowa Department of Natural Resources

List of Violations
Cedar Rapids Army National Guard AFRC/FMS 13
Cedar Rapids, Iowa
RCRA ID No.: IAR000519587

1. 40 CFR 262.11 – Failure to determine if soiled shop rags and waste aerosol cans are a hazardous waste.
2. 40 CFR 262.34(d)(4) referencing 40 CFR 265.37 – Failure to make arrangements with local emergency agencies, including hospitals.

This violation was adequately addressed in the August 29, 2016 response.

3. 40 CFR 262.34(d)(5)(ii) – Failure to post the following information next to a telephone:
 - a. The name and telephone number of the emergency coordinator;
 - b. The location of fire extinguishers and spill control material, and, if present, fire alarm; and
 - c. The telephone number of the fire department, unless the facility has a direct alarm.

This violation was adequately addressed in the August 29, 2016 response.

Requested Information
Cedar Rapids Army National Guard AFRC/FMS 13
Cedar Rapids, Iowa
RCRA ID No.: IAR000519587

1. Please identify all persons responding to the questions in this letter. Please include names, titles, and telephone numbers, if different from the facility's telephone number.
2. In your August 29, 2016 letter, you state that you have determined that soiled shop rags do not meet the definition of a solid waste as presented in 40 CFR Part 261.2. However, 40 CFR 261.4(a)(26) states that reusable solvent-contaminated wipes are only excluded from the definition of solid waste if the conditions of the exclusion are met. You must submit documentation that you are meeting the conditions of the exclusion.
3. In your August 29, 2016 letter, you explained that you recycle your empty aerosol cans as scrap metal, which is acceptable. However, you also explain that you place partially full aerosol cans in with your empty aerosol cans (managed as scrap metal), and then crush those cans to remove the liquid and then recycle the emptied aerosol cans with the scrap metal. Please provide all of the following to complete your waste determination of your partially full aerosol cans:
 - a. A list of all known products that are routinely used in aerosol cans at the facility, including copies of the Safety Data Sheets for each product;
 - b. A copy of all policies, procedures, and other documents that explain how partially full aerosol cans will be managed at the facility.
 - c. A detailed description of how the partially full aerosol cans are managed from the point where they are determined to be waste (no longer useable). This description should include all of the following:
 - i. A physical description of all containers (including size and type as well as all markings and labels used on those containers) used to accumulate the partially full aerosol cans;
 - ii. A description of the location of each container described under 3.c.i, and a diagram of the facility showing the location of each of those containers;
 - iii. A description of the crushing process, which must include a detailed description of how liquids are collected from the crushing process;
 - iv. A photograph of the crushing unit;
 - v. A detailed description of how propellents are captured when the cans are crushed, if not captured, describe what happens to the propellents released from the crushed cans;
 - vi. If the propellents are captured, describe the unit that manages the captured propellents;
 - vii. A detailed description of how liquids are accumulated and managed from the point of generation at the crushing process;
 - viii. A copy of all waste disposal records for the liquids from the crushing process for from February 2013 to the present;
 - ix. A copy of your waste determination for the liquids generated from the crushing process.

3007 RESPONSE INSTRUCTIONS

- Identify the Person(s) responding to this request on your behalf.
- Address each numbered item separately, and precede each answer with the number of the item to which it responds.
- For each numbered item, identify all documents consulted, examined, or referred to in the preparation of the answer, or that contain information responsive to the requested item. Provide true, accurate, and legible copies of all such documents. (If information responsive to an item is available but there are no relevant source documents, you must still provide the information.)
- For each document provided, indicate on the document (or in some similar manner) the number of the item to which it responds.
- For each numbered item, identify all persons consulted in the preparation of the answer.
- For purposes of this request, the term “you” or “your” refers to the company, corporation and any officer, principal, agent employee, or any other person(s) associated in any capacity.
- If information responsive to a requested item is not in your possession, identify the person(s) from whom the information may be obtained.
- If information that is not known or available at the time you make your response later becomes known or available to you, you must supplement your response.
- If, at any time after you submit your response, you find that any part of the information you submitted is incomplete, false, or misrepresents the truth, you must notify the EPA immediately.
- You must provide the requested information even though you consider it confidential information or trade secrets. If you want to make a confidentiality claim covering part or all of the information submitted, identify the material with words such as “trade secret,” “proprietary,” or “company confidential.”
- The EPA will disclose this information only to the extent and by the means described in 40 CFR Part 2, Subpart B., provided that it qualifies as confidential business information.
- A request for an extension to the time limit for responding must be in writing and must be postmarked within five (5) calendar days of receipt of this information request. Address it to the person identified in the cover letter to receive your response.
- Copies of the Code of Federal Regulations may be obtained from the U.S. Government Bookstores or on the Internet at www.epa.gov/epahome/cfr40.htm.
- This request for information is not subject to the approval requirements of the Paperwork Reduction Act of 1980.
- The EPA encourages you to conserve resources. Suggested methods include use of recycled paper, printing on both sides (duplex printing), and when possible submitting documents electronically (i.e., email or compact discs). If hard copy submittals are necessary, please do not submit documents in binders.

Not responding to this information request within the stated time limit and in accordance with these instructions may subject your facility to an enforcement action which could include the imposition of penalties assessed per violation, per day of continued noncompliance. Providing false, fictitious, or fraudulent statements or representations could lead to criminal penalties.

